

Hackney Carriage & Private Hire Vehicle Licensing

Consultation on Best Practice Guidance for Licensing Authorities in England

(Issued 28 March 2022)



SOUTH
KESTEVEN
DISTRICT
COUNCIL

About the Consultation

Taxis and private hire vehicles (PHVs) play an important role in enabling people to move about, allowing them to travel safely and easily.

Much has changed in the industry and the Department for Transport (DfT) is taking this opportunity to update the guidance to ensure it reflects new ways of working, new technology and feedback from interested parties.

The DfT are seeking views on the new best practice guidance for taxi and PHV licensing authorities and any evidence that supports them.

A link to the 2022 consultation document: [Taxi and Private Hire Vehicle Licensing - Best Practice Guidance](#).



About the presentation

The questions posed in the consultation are shown with a suggested response. This will be amended if the committee decide differently.

Salient points relevant to each of the questions have been provided for information.

Suggested responses to proposals which are already part of the Council's approved Hackney Carriage & Private Hire Licensing Policy follow the existing policy.



Section 4: Accessibility

Consultation Question:

- 1. In your view, should licensing authorities introduce Inclusive Service Plans for taxis and PHV's ?**
- 2. Do you agree that licensing authorities should introduce the accessibility measures proposed in the best practice guidance ?**

Yes/No

- 3. In your view, are there are any other measures licensing authorities should take to improve accessibility of taxi and PHV's**

Yes/No – Not at this time, if the consultation proposals are adopted



Section 4: Accessibility

Disabled people can be very reliant upon taxi and private hire vehicles and the aim is to enable them travel around easily.

Proposals:

- Consult with disabled passengers regularly on their experience (there is no definition of what ‘regularly’ means) **(4.8)**
- All licensing authorities should develop and maintain an Inclusive Service Plan – it would have to be made available on the authority’s website and in alternative accessible hard copy formats **(4.17) & (4.19) – *As the Transport Authority, Lincolnshire County Council is responsible for the Local Transport Plan***
- All drivers, operators, relevant authority policy makers and staff to complete disability awareness training **(4.21), (6.3) & (7.3)**



Section 5: Enforcing the Licensing Regime

Consultation Questions:

- 4. Do you agree that any points incurred through a points-based enforcement regime should remain on the record for 3 years for drivers from the date of the incident ?**
- 5. Do you agree that any points incurred through a points-based enforcement regime should remain on the record for 5 years for PHV operators from the date of the incident ?**

Yes/No response for both questions



Section 5: Enforcing the Licensing Regime

Implementing an effective framework, ensuring suitably trained decision makers and officials consider new applications and those already licensed display the behaviours and standards expected

Proposals:

- Some licensing authorities operate a points based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time **(5.13)**
- Points based enforcement system, with points remaining on record for 3yrs for drivers and 5yrs for operators **(5.14)** – *SKDC currently operates this system, points remain on the licence for a rolling 12 months*



Section 6: Driver Licensing

Consultation Questions:

Driver Proficiency:

- 6. Do you agree licensing authorities should require taxi and PHV drivers, as professional drivers to evidence a higher degree of driving ability than is required for private motorists ?**

Vocational training and assessment:

- 7. Do you agree that licensing authorities should not require drivers to obtain a vocational qualification ?**

Yes/No response for both questions



Section 6: Driver Licensing

The Road Safety Statement published in 2019 stated that “the need to improve safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job” *(taken from (6.6) of the consultation document)*

Proposals:

- Disability awareness training to be undertaken, a course created on behalf of the DfT should be considered **(6.4)**
- Vocational training qualifications provide a ‘snapshot’ of learning and the curriculum at the time. The training drivers require can evolve so vocational training may need to be supplemented. Licensing authorities should not require applicants obtain vocational qualifications **(6.22)**



Section 6: Driver Licensing....cont'd

Consultation Questions:

Topographical knowledge tests:

8. In your view should a PHV driver be required to pass some form of topographical knowledge test ?
9. If a PHV driver has to pass a topographical test, should this be the same test as a Hackney Carriage driver ? Or, should it evaluate the candidates ability to plan a route or safe use anavigation system ?

Yes/No response for both questions

Vehicle condition check

10. Do you agree licensing authorities should require drivers to conduct daily checks on their vehicle similar to the checklist provided ?

Yes/No

11. What, if any, comments to you have on the vehicle conditional checklist ?

[Annex E – Page 84 of the consultation document](#)



Section 6: Driver Licensing.....cont'd

Drivers need a good working knowledge of the area for which they are licenced

Proposals:

- Hackney Carriages can be hired immediately, directly with the driver, at ranks or on the street so are unable to pre-prepare route. Licensing Authorities should require a local topographical knowledge test at first grant of a licence **(6.23)** - *SKDC policy currently requires this for Hackney Carriage drivers only*
- A prospective passenger of a Private Hire Vehicle must go through an operator to book the vehicle, giving the driver time to pre-prepare the route. Licensing Authorities may set a PHV topographical test but are not required to do so **(6.24)**
- The driver is legally responsible for the vehicles condition. Licensing Authorities should require drivers to conduct a daily walkaround check/or when the driver takes charge of said vehicle (if more than one driver in a day) **(6.28)**



Section 8: Vehicle Licensing

Consultation Questions:

Vehicle safety ratings

- 12. Do you agree licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher Euro NCAP rating (where these have been assessed) when setting its vehicle requirements ?**

Seating Capacity

- 13. Do you agree that each person, regardless of age should be counted as a passenger ?**
- 14. Do you agree that taxis and private hire vehicles should not be licensed to carry more people than the number of seats and seatbelts available ?**

Yes/No response for all questions



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Section 8: Vehicle Licensing

The legislation gives licensing authorities discretion over the types of vehicles it can licence as a taxis or private hire vehicle.

Proposals:

- Euro NCAP is an independent, not for profit organisation widely recognised by the motor industry and road safety professionals as providing objective crash safety information. They rate on a 1-5 star rating basis different models of vehicle **(8.6)**
- Licensing authorities are responsible for deciding how many passengers a taxi or PHV is licenced to carry **(8.9)** – *SKDC licenses issued according the number of seats detailed on the DVLA V5 vehicle log book up to a maximum of 8*



Section 8: Vehicle Licensing....cont'd

Consultation Questions

Tinted windows

- 15. Do you agree that licensing authorities should only require the removal of 'factory fitted' tinted windows as part of vehicle specifications if it can evidence that this is necessary and proportionate ?**

Vehicle testing

- 16. Do you agree licensing authorities should, where possible, obtain details of vehicle tests, including failures ?**
- 17. Do you agree licensing authorities should require testing stations to provide the outcomes of all examinations carried out, including where vehicles were subject to advisory notices ?**

Yes/No response for all questions



Section 8: Vehicle Licensing....cont'd

Tinted windows and vehicle testing

Proposals:

- In the absence of evidence to show a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal. However, authorities should carefully consider the views of the public and trade when considering 'after market' tinting **(8.16)** - *SKDC policy does not allow the addition of darkening film/tinting other than factory fitted*
- Where possible obtain details of test failures (vehicle tests) **(8.24)** – *SKDC compliance tests currently require this*
- Authorities should require testing stations to provide to them outcomes of all examinations carried out, this includes where vehicles were subject to advisory notices **(8.26)** - *SKDC compliance test reports currently require this*



Section 8: Vehicle Licensing....cont'd

Consultation Questions:

Vehicle age limits

18. Do you agree licensing authorities should not impose age limits for the licensing of vehicles ?

Yes/No (based on current policy)

Vehicle identification and signage

19. Do you agree licensing authorities should not permit roof signs of any kind on PHV's ? **Yes/No**

20. Do you agree that licensing authorities should not impose a livery requirement on PHV's ? **Yes/No** response for all questions

21. Do you agree that private hire vehicle signage requirements should be limited to the authority licence plate or disc and a 'pre-booked only' door sign ? **Yes/No**

22. Do you agree that licensing authorities should not require the displaying of private hire vehicle operator details on vehicle ?
Yes/No



Section 8: Vehicle Licensing....cont'd

Proposals:

- The frequency of testing required to ensure the ongoing safety of vehicle is a separate issue to setting a maximum age at first licensing or beyond which an authority will not licence a vehicle **(8.28)** – *SKDC policy set an age limit of 5years at first licensing and 10/12yrs at renewal*
- Consider more targeted requirements to meet policy objectives on emissions, safety rating and increasing wheelchair provision where this is low. **(8.29)**
- Licensing authorities should not permit roof signs of any kind on PHVs **(8.41)** - *SKDC policy complies*
- Licensing authorities private hire signage requirements should be limited to the authority licence plate or disc and a “pre-booked only” door sign **(8.43)** - *SKDC policy allows the display of company name etc. subject to conditions*
- None display of operator details on private hire signage could result in passengers not knowing which vehicle they have booked (especially when leaving a large event and looking for a prebooked vehicle)



Section 8: Vehicle Licensing....cont'd

Consultation Questions:

Vehicle identification and signage...cont'd

23. Do you agree that when an exclusive relationship exists between the vehicle proprietor, driver and operator, licensing authorities should permit the display of private hire vehicle operator details in a discreet manner ?

Yes/No

24. Do you agree with the suggested practice regarding the use of words Taxi or cab, as well as similar meaning words, for display on private hire vehicles ?

Yes/No



Section 8: Vehicle Licensing.....cont'd

Proposals

- Private hire vehicle drivers are free to work with more than one operator and requirements for an exclusive relationship should not be implemented or discontinued **(8.45)** – *SKDC policy does not restrict drivers from working for more than one operator*
- If a driver has an exclusive arrangement with a private hire operator they are free to decide whether to have the operators livery or none on their vehicle - *SKDC policy allows the display of company name etc. subject to conditions*
- The public can often confuse PHVs with Hackney Carriages. Greater differentiation in signage will help the public differentiate between the two elements of the trade **(8.40)** - *SKDC policy does not permit the use of Taxi, Cab or For Hire anywhere on a Private Hire vehicle*



Section 8: Vehicle Licensing....cont'd

Consultation Question:

Environmental considerations

25. Do you agree that taxi and private hire vehicle with internal combustion engines should be tested more frequently than annually ?

Yes/No



Section 8: Vehicle Licensing....cont'd

Proposals

- Government is phasing out the sale of new petrol and diesel cars and vans by 2030, and, from 2035, all new cars and vans must be zero emissions at the tailpipe **(8.48)**
- Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions **(8.50)**
- Hackney's and PHVs that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and regularly checked, due to their higher usage. This might suggest that emissions testing should be checked more frequently than the annual MOT vehicle test/inspection **(8.51)** – *SKDC policy requires a full 6 monthly vehicle inspection*
- Local authorities should assess the impact of vehicle emission requirements to enable the sector to plan for the future. Short-term objective to minimise harm through setting high EURO emissions standards e.g. EURO 6 but, long term trade must transition to zero emissions **(8.52)**



Section 11: Taxi rank provision

Consultation Question:

26. Do you agree that taxi rank provision should be reviewed every 3 years ?

Yes/No



Section 11: Taxi rank provision

Taxi ranks can provide a useful interchange between modes of transport and a focal point for taxis and passengers at peak periods.

Proposals

- The provision of taxi ranks should be subject to regular review. This will help local authorities establish whether a change is required to current provision and how to make necessary amendments to ranks for the benefit of the travelling public. **(11.3)**
- If feasible, a short-term waiting area for drivers of taxi picking up disabled passengers should be considered. This could be an area of the footway with a kerb assigned as a setting-down/picking up point for people using taxis that have ramps designed for transfer directly to the footway **(11.4)**
- ***Ranks within SKDC are on the public highway and under the control of LCC***



Annexes

Consultation Questions:

Annex B: Model byelaws for Hackney carriages

27. What, if any, comments do you have on the model byelaws ?

No comments proposed as no material change

Annex F: Sample notices between taxi driver or PHV driver and passenger

28. What, if any, comments do you have on the sample notices

No comments proposed

Annex G: Staying safe – guidance for taxi drivers

29. What, if any, comments do you have on the staying safe guidance for taxi drivers ?

No comments proposed



Annexes

Consultation Questions:

Annex H: Staying safe – guidance for PHV trade

30. What, if any, comments do you have on the staying safe guidance for the private hire vehicle trade ?

No comments proposed

Annex I: Useful questions when assessing taxi quantity controls

31. What, if any, comments do you have on the questions for assessing taxi quantity controls

No comments proposed



General Comments (to be added to the response)

4. Accessibility

- 4.11 - Limited definition of assistance dogs; Potentially insufficient to comply with s168-170 (Assistance Dogs in Taxis) of the Equality Act 2010

7. Private Hire Vehicle Operator Licensing

- 7.2 - The fit and proper test for an Operator should reference the requirements of the DfT Statutory Taxi and Private Hire Standards. The draft best practice guidance only refers to checks of Companies House information

8. Vehicle Licensing & Environmental Considerations

- 8.28 and 8.51 – to ensure a consistent approach to the transition towards zero emissions, there would be benefit in setting a national standard and phased timescale to support this
- Consideration of the provision of Government funding to support the trade in this transition

